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**Datasheet for the decision
of 3 February 2009**

Case Number: T 1092/06 - 3.4.03

Application Number: 03743685.4

Publication Number: 1479053

IPC: G07F 17/32

Language of the proceedings: EN

Title of invention:

Gaming device having free game bonus with a changing multiplier

Applicant:

IGT

Opponent:

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Headword:

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Relevant legal provisions:

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Relevant legal provisions (EPC 1973):

EPC Art. 56

Keyword:

"Inventive step (no)"

Decisions cited:

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Catchword:

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Case Number: T 1092/06 - 3.4.03

DECISION
of the Technical Board of Appeal 3.4.03
of 3 February 2009

Appellant: IGT
9295 Prototype Drive
Reno, Nevada 89521 (US)

Representative: Becker Kurig Straus
Patentanwälte
Bavariastrasse 7
D-80336 München (DE)

Decision under appeal: Decision of the Examining Division of the
European Patent Office posted 24 February 2006
refusing European application No. 03743685.4
pursuant to Article 97(1) EPC.

Composition of the Board:

Chairman: G. Eliasson
Members: V. L. P. Frank
T. Bokor

Summary of Facts and Submissions

- I. This is an appeal against the refusal of application 03 743 685 for lack of inventive step (Article 56 EPC 1973).
- II. On appeal the applicant requested grant of a patent on the basis of a main or an auxiliary request both filed with the statement of grounds of appeal. Auxiliarily oral proceedings were requested.
- III. In a reasoned communication annexed to the summons to oral proceedings appointed for 3 February 2009, the board informed the appellant of its provisional opinion that the gaming devices of claim 1 of the main and auxiliary request and the methods for controlling a gaming device of claim 21 of the main request and of claim 15 of the auxiliary request did not involve an inventive step having regard to EP 1 063 622 A.
- IV. By fax dated 3 February 2009 the appellant applicant's representatives informed the board that no representative would attend the oral proceedings.
- V. The oral proceedings were held in the absence of the applicant's representatives.

Reasons for the Decision

1. The appeal is admissible.
2. In the communication of the board, the appellant applicant was informed in detail of the reasons for the

board's preliminary view that the gaming devices of claim 1 of the main and auxiliary request and the methods for controlling a gaming device of claim 21 of the main request and of claim 15 of the auxiliary request were not allowable (Article 56 EPC 1973).

3. The appellant did not file any substantive response to the communication, but announced that he would not be represented at the oral proceedings. Having reconsidered its own reasoned objections as set out in the said communication and making express reference thereto, the board sees no reason to depart from them. Consequently, the appellant's requests fall to be refused.

Order

For these reasons it is decided that:

The appeal is dismissed.

Registrar:

Chair:

S. Sánchez Chiquero

G. Eliasson